

SAMPLE BILL ANALYSIS (0500)

No. 1 Jan. 1998

BILL ANALYSIS

RESOURCES AGENCY

DEPARTMENT Forestry and Fire Protection (CDF)	AUTHOR Senator Leslie	BILL NUMBER SB 1283
SPONSORED BY California Forestry Association	RELATED BILLS	AMENDED DATE As Introduced 2/2/95
SUBJECT Timber Harvesting Plans		

A. SUMMARY

This bill would require the Department of Fish and Game (DF&G), and any other responsible agency, to comment on timber harvest plans (THP) only during the public review period, unless extended by the Director, and to identify the legal authority for requiring mitigation, if any. It also mandates that the Director or Board have sole authority to determine if a THP is in conformance with the rules, and no delegation of this authority can be made.

B. SPECIFIC FINDINGS

- History and Sponsorship:** This bill is sponsored by the California Forestry Association for the membership.
- Existing Law:** Public Resources Code (PRC) 4582.6 provides that THPs shall, for the purpose of interdisciplinary review, be provided to DF&G, Regional Water Quality Control Boards, county planning agency, and Tahoe Regional Planning Agency, if applicable. The department shall then invite, consider and respond to comments from public agencies and shall consult with them at their request.

For Information Contact: Carol Williams Bryant, Chief, Office of Legislation, 653-5333

Date: March 1, 1995

Prepared by: Ross Johnson, Staff Chief, Forest Practices

DEPARTMENTS THAT MAY BE AFFECTED

Department of Fish of Game; Department of Water Resources

STATE MANDATE []		GOVERNOR'S APPOINTMENT []	
DEPARTMENT DIRECTOR POSITION		AGENCY SECRETARY POSITION	
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DEPARTMENT DIRECTOR		AGENCY SECRETARY	
DATE:		DATE:	

GOVERNOR'S OFFICE USE
Position Approved
Position Disapproved
Position Noted
By: Date:

3. **Changes in Law Provided by This Bill:** This bill would make it mandatory that DF&G, and other responsible agencies, as defined in PRC 21069, comment on THPs during the public review period unless they ask for up to a 14 day extension. If CDF does not receive any comment during the public review period, CDF may assume the agency has no comment. Any mitigation requested by an agency shall identify the statutory authority for the request.

Each responsible agency shall notify CDF of any inquiry it receives or information it disseminates regarding a THP under review.

This bill provides that the Director or Board of Forestry have the sole authority to determine if THP is in conformance with the rules, and this authority can't be delegated to any other agency.

4. **Discussion:** CDF and submitters of THPs have, for sometime, had difficulty in getting comments and mitigation requests from responsible agencies on a timely basis. Frequently, the agencies do not submit comments until after the close of the public comment period and sometimes not until the day the Director's representative must make a decision on the THP. These comments may also contain requests for mitigation. This lack of timeliness creates confusion and lengthy delays while the plan is reviewed and/or the mitigation are evaluated, checked in the field, and written into the THP. In view of the possibility of late comments, CDF must vigorously attempt to get the comments submitted which takes extra staff time.

This bill would appear to require timely responses by all agencies resulting in a more efficient THP review process and reduce delays.

The section of the bill giving sole authority to the Board and Director to determine if a THP is in conformance with the rules, and prohibiting any delegation of that authority appears to only add legislative specificity to the act. There has never been any serious attempt to suggest that the Board and Director were not the sole authority. Further, it would be unreasonable to suggest that the Board or Director would ever give up this authority. This bill, however, would make these issues very clear.

C. FISCAL EFFECT

The implementation of this bill would have no measurable fiscal effect on CDF. There may be some slight increased operational costs for the responsible agencies as they become more timely in their responses. This would be negated by their ability to only respond to those THPs that truly have significant issues to address.

D. ECONOMIC IMPACT

The overall impact of this bill on the regulated public will be a cost savings due to reduced delays, and more efficient and timely transfer of information during the THP review process. The cost savings would be fairly small and would depend on the location, complexity and size of the specific THP in question.

E. RECOMMENDATION : NEUTRAL

1. **Reasons for Position**: This bill will aid the regulated public and assist CDF in doing a timely and efficient review of THPs.
2. **Proponents**: California Forestry Association
Forest Landowners of California
California Chamber of Commerce
3. **Opponents**: None

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